

Description		
Date	02/28/2008	Location Board of Health
Time	Speaker	Note
6:49:04 AM		<p><i>Board Members Present</i> : Dennis Alexander, Erick Bryson, Robin Cory, Tim Ford, Laura Larsson, Brian Leland, Bill Murdock, Buck Taylor, Barbara Vaughn</p> <p><i>Deputy County Attorney</i> : Chris Gray</p> <p><i>Staff</i> : Betty Kalakay, Toni Lucker, Denise Moldroski, Stephanie Nelson,</p> <p><i>Public</i> : Mark Fasting, Michael Tucker</p>
7:03:05 AM		Call to Order
7:03:28 AM		Public Comment on a Non-Agenda Item - None
7:03:46 AM		Stephanie received an email from Mark Fasting the day before and she submitted the email for the record.
7:04:28 AM	Consent Agenda	The Board noted a correction to last month's minutes on page 9 at time stamp 8:52:42 AM, the third sentence: "Bill agreed to bring up the question of interest to Belgrade, Manhattan & Three Forks." Should be corrected to read as Eric instead of Bill.
7:05:29 AM	Motion	Buck made a motion to accept the consent agenda as corrected
7:05:31 AM	Second	Tim F. seconded the motion
7:05:39 AM	vote	<p>Motion passed unanimously.</p> <p><u>Roll Call</u> :</p> <p>Dennis Alexander - yes</p> <p>Erick Bryson - yes</p> <p>Robin Cory - yes</p> <p>Tim Ford - yes</p> <p>Laura Larsson - yes</p> <p>Brian Leland - yes</p> <p>Bill Murdock - yes</p> <p>Buck Taylor - yes</p> <p>Barbara Vaughn - yes</p>
7:05:52 AM	Regular Agenda	FY2009 Budget Process
7:06:03 AM		Stephanie reviewed the budget timeline with the Board. The Board's budget subcommittee will meet with staff to review the budget prior to the May Board of Health meeting. She requested members to sit on two subcommittees:
7:10:45 AM		<p>The budget subcommittee: Robin, Brian, Buck</p> <p>The Health Officer evaluation subcommittee: Eric, Barbara, Robin</p>

7:11:19 AM		Stephanie reported on how the health mill is levied across the county. She referred to the handout, distributed at the meeting, from Ed Blackman, County Financial Officer. This cleared up the misconception experienced by the Board.
7:12:40 AM		Proposed Budget Amendments Peggy Conwell, WIC Nutritionist, is retiring April 30th.
7:13:41 AM	Motion	Tim F. made a motion to allow Stephanie to go before the Commission with a formal budget amendment once the retirement buyout amount is known.
7:14:15 AM		Board discussion continued around being consistent with county policy.
7:14:28 AM	Second	Bill seconded the motion.
7:14:52 AM	Vote	The motion passed unanimously. <u>Roll Call :</u> Dennis Alexander - yes Erick Bryson - yes Robin Cory - yes Tim Ford - yes Laura Larsson - yes Brian Leland - yes Bill Murdock - yes Buck Taylor - yes Barbara Vaughn - yes
7:14:58 AM		Stephanie gave an update on changes in the WIC program.
7:16:25 AM		<u>Air quality monitoring project:</u> Project costs, for gas and the batteries to run the monitoring instruments until December 2009, were submitted by Tim F.
7:20:19 AM		The Board feels it is appropriate to contribute in some manner. Stephanie feels there is money in the budget and noted the need for further discussion by the air quality subcommittee on how the data will be used.
7:24:34 AM	Motion	Bill made a motion to fund the rechargeable batteries and the mileage.
7:24:45 AM	Second	Eric seconded the motion.
7:24:48 AM	vote	The motion passed unanimously. <u>Roll Call :</u> Dennis Alexander - yes Erick Bryson - yes Robin Cory - yes Tim Ford - yes Laura Larsson - yes Brian Leland - yes Bill Murdock - yes Buck Taylor - yes

		Barbara Vaughn - yes
7:25:32 AM		<u>Remodeling Costs</u> Stephanie reported on the furniture costs and that it would be covered by capital reserves. She is working closely with Ed Blackman related to which budget it would come from. The building remodel is moving forward.
7:26:51 AM		Stephanie added that as feedback from a discussion with the Bozeman Chronicle, the Health Department website is being advertised to the public.
7:27:20 AM		UHC Update Betty Kalakay, Emergency Preparedness Coordinator, gave an update on the UHC (Unified Health Command) strategic planning activities which includes:
7:30:41 AM		1. Surge capacity
7:33:49 AM		2. Updating the MPI (Multiple Patient Inventory)
7:51:20 AM		Committee Reports
7:51:47 AM		<i>Air Quality:</i> Stephanie reported to the Board that she followed up with Bob Jeffries of DEQ regarding funding for continuous 2.5ppm monitoring. That decision would be made in the spring. He sees Gallatin as high priority for funding. The Chemical Mass Balance Study will be completed in February and will have the results of the study this summer.
7:53:45 AM		Stephanie added that she had discussions with Bob Jeffries related to gravel pits and air quality. She asked to bring that discussion to the air quality subcommittee.
7:54:19 AM		Brian intends to ask the City Commission to look at an anti-idling ordinance.
7:57:36 AM		The Board's Air Quality Subcommittee consists of Brian, Tim F., Barb and Dennis. Barb would like to schedule a meeting after the 19th and before the next Board meeting. Tim F. will not be in town from March 19-26th.
7:58:40 AM		<i>Public Systems:</i> The Commission is scheduled to meet on March 27th with the BOH's subcommittee and Planning's subcommittee who are working on questions around public systems. Chris Gray, Deputy County Attorney was asked to look at specific questions submitted by the Department: <i>Question 1: Certain Board members have expressed a desire for the Health Department to "take over" DEQ's responsibilities for the review, approval, permitting or oversight of public systems. Is this even possible considering MCA 75-6-121 :</i> He answered that the legal door is open to do that. He continued that a considerable amount of legal analysis and staff work would need to take place to move such a project forward. Essentially the Supreme Court supported the authorities of local boards of health in the Skinner case ten years ago. The door was also opened even more through HB92 of the last

		<p>legislature. Under the authority of the local boards of health section: "a local board of health has authority to supervise or make inspections for conditions of public health importance and issue written orders for compliance, for correction, destruction and removal of the conditions."</p> <p>The definition of a condition of public health importance: "a disease, injury or other condition that is identifiable on an individual or community level that can reasonably be expected to lead to adverse health effects to the community." Chris noted this definition is wide open to interpretation and more analysis would be needed.</p>
8:05:09 AM		Stephanie noted that the first step in the process is finding out what is known locally. A meeting with the Commission is scheduled for March 27th and facilitated by Earl Mathers to get a sense of their desires.
8:07:33 AM		Brian and Bill suggested to invite DEQ to the March 27th facilitated meeting to get a heads up and discussion followed.
8:09:13 AM		From a legal standpoint and nuance, Chris added that when he speaks of conflict between the law, it does not necessarily mean a conflict between the two agencies. He was talking about a regulated person, i.e., the developer, the operator of the facility, etc., would argue that the Board did not have authority because DEQ did. That is where the case is going to come.
8:10:22 AM		<p><i>Question 2: Could the BOH make a finding that local oversight is necessary for the protection of public health and develop regulations to require O&M and/or monitoring on all systems (individual and public)?</i></p> <p>Chris advised that the Board would need to take the steps from both the legal and the staff standpoint to set up the system to do it. Then a decision would need to be made by the Board to promulgate the regulation.</p> <p><i>Question 3: What is the liability?</i></p> <p>Chris advised that liability is there and would increase. If someone was injured because of some mistake by the Health Department, the Board may be held liable.</p> <p>The Board asked if the liability would fall on the County & the City because of the Interlocal Agreement? Chris noted that would be dependent upon how the respective insurers would cover, or not, that particular loss and how we would indemnify each other pursuant to the Interlocal Agreement.</p>
8:12:07 AM		Discussion followed regarding local requirements for O&M.
8:13:38 AM		<p><i>Question 4: Does the BOH have the authority to be more stringent than DEQ for monitoring and the reporting of violations on all systems?</i></p> <p>Chris advised that the first step of the process would be the legal analysis. He noted that Montana law allows for local boards of health to be more stringent than state law. The necessary steps would have to be</p>

		<p>taken to make more stringent regulations.</p> <p><i>Question 5: What could be the relationship between the Board of Health and Sewer & Water Districts?</i></p> <p>Chris responded by saying the city and county are political subdivisions having different but equal authorities under the law. The Board of Health could regulate a Sewer & Water District through an Interlocal Agreement. Chris reiterated this would be a lengthy process.</p>
8:16:39 AM		<p>The Board asked if regulating public systems could be revenue neutral? Chris advised that charging fees would be hard to do because the Board has general powers but could only do what the legislature states in statute, which does not include fees. The Board could contract with DEQ. This could be done as an inter-governmental relationship.</p>
8:18:48 AM		<p>Staff is inquiring what other counties are doing.</p>
8:19:42 AM		<p>Eric commented, as a new member of the Board, it seems like the Board has concluded that forcing DEQ to do their job is not an option to the point that the Board is now trying to take over their responsibilities. He asked is that accurate?</p> <p>Stephanie noted that the problem was not totally understood. Staff is trying to determine where the public systems are located, who is ensuring that monitoring is occurring and who is communicating with the public when there is a problem? Discussion followed as to the magnitude of the problem.</p>
8:20:57 AM		<p>The Board had questions related to assurance of monitoring, appropriate follow-up of violations and communication with the department and the public.</p>
8:22:26 AM		<p>Bill noted his emphasis is on the health of the community and having a pro-active point of view. He wants to see a pro-active approach where an infra-structure is in place to ensure that monitoring, sampling, etc is being done and to identify any problems. Stephanie added she articulated the goals related to public water & wastewater treatment systems in the February 12, 2008 memo to the Board. Whether these are done in partnership with DEQ or at the local level is not known at this point. The Planning Department, the Commission and the Board of Health are all discussing these issues related to growth and their respective roles.</p>
8:27:05 AM		<p>The <u>public water subcommittee</u> members are:</p> <p>Bill Murdock - County Commission; Barbara Vaughn and Tim Ford - Board of Health; Alan English - LWQD; Tim Roark and Stephanie Nelson - Health Department; Chris Gray - Deputy County Attorney; Greg Sullivan and Sean O'Callahan - Planning Department.</p>

8:27:39 AM		<p>Health Prevention Alliance : Laura gave an overview. The Alliance reviewed the 2006 health indicators for Gallatin County. Data on accidents and suicide are being explored further.</p> <p>The Alliance is also discussing getting a vista volunteer to continue to work on the data collection piece.</p>
8:30:46 AM		<p>Board Composition Stephanie asked for some time with Eric, Bill and Chris to discuss a process to include other municipalities onto the Board.</p>
8:31:37 AM		Chris advised the Board that to change the composition of the Board from the technical standpoint would be through a change in the Interlocal Agreement between the city and the county. The Interlocal Agreement is drafted pursuant to state statute in political subdivisions coming together to create multiple boards. The city and county would directly negotiate an amendment to the Interlocal Agreement.
8:32:22 AM		Eric clarified his position on this. He noted it is not his intention to remove Bozeman's participation from the Board of Health. He wants to explore if there is any interest in getting better representation from outlying communities without a formal seat on the Board of Health. At a meeting in March with other city commissioners and the county commission he intends to bring this up for discussion. He reiterated that he is not saying to add seats to the Board or that we remove the city.
8:33:45 AM		Another discussion that may benefit to this conversation is what kind of expertise is needed on the Board. Other counties have specific disciplines on the Board of Health. Board composition in other counties is being explored.
8:37:09 AM		<p>Health Officer Report Stephanie reported on the move and staffing changes in WIC.</p>
8:40:21 AM		<p>Future Agenda Items The Board liked the idea of having program subcommittee updates each month. Mark Fasting's request for Board discussion on his issues was discussed.</p>
8:40:44 AM		Chris advised the Board to be careful with actual matters that may arise in the future. Talking general policy is fine but specifics about a case in which the Board would be sitting in a quasi-judicial capacity, should not be discussed. He advised to be careful in the context of not pre-disposing this Board, who has decision making abilities on specific matters, to any answers in the future.
8:42:34 AM		The timing of the Chapter 3 rewrite has not been determined.
8:47:41 AM		(Laura left.)
8:48:07 AM		Eric suggested that, if it is an agenda item, Mark be notified. He suggested that Mark comment during the public comment portion of the meeting, which the Board could not respond to.

8:50:17 AM		Board discussion continued about Mark Fasting as an agenda item.
8:51:27 AM		(Buck left)
8:51:35 AM		Barbara noted Mark Fasting's issues will be an agenda item and asked Chris to review the Fasting correspondence.
8:51:52 AM		Meeting adjourned.

Secretary

Date

Chair

Date